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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,358	11/26/2003	Heiko Glienicke	1020/013PUS1	6146

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EXAMINER

CHOI, JACOB Y

ART UNIT	PAPER NUMBER
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2885

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/721,358	GLIENICKE ET AL.	
	Examiner	Art Unit	
	Jacob Y. Choi	2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 5, 2007 has been entered.

Response to Amendment

2. Examiner acknowledges that the applicant has amended claim 1 and 11. Currently claims 1-19 are pending in the application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Note: Claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA1974).

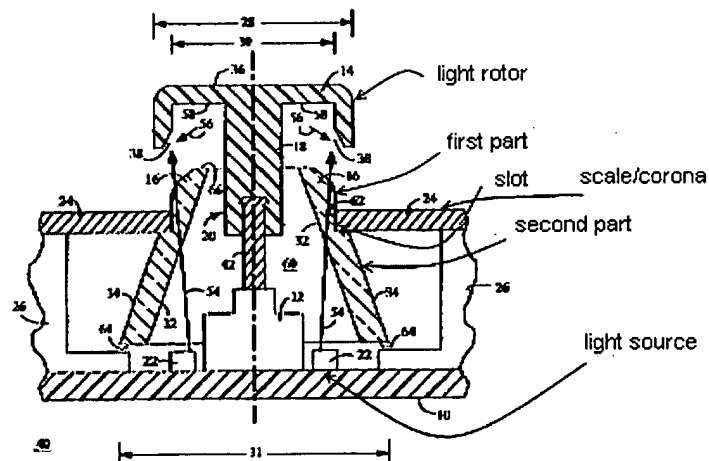
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Things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification. *In re Mraz*, 173 USPQ 25 (CCPA 1972).

In order to be given patentable weight, a functional recitation must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. *In re Fuller*, 1929 C.D. 172; 388 O.G. 279.

4. Claims 1, 4-9, 16 & 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Zysnarski et al. (USPN 6,590,174).

Regarding claim 1, Zysnarski et al. discloses a combined scale and corona illumination, wherein the scale is a part of a panel (e.g., 24) that is designed to work together with the control element (e.g., 14), an optical light guide (e.g., 16; column 3, lines 1-20) formed from a single piece that includes two parts (e.g., "upper portion & lower portion"; Figure 1), the two parts being partially separated by an annular slot (e.g., 68), such that parts of the panel engage or project into the slot, a light rotor (e.g., 14) that extends towards the optical light guide (e.g., 16) to a height necessary for light transport, and a light source (e.g., 22) located below the light rotor (e.g., 14).



Regarding claim 4, Zysnarski et al. discloses the corona is illuminated in the night design as a luminous ring around the rotary knob and is not illuminated in the daylight

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design and thus very difficult or impossible to detect (e.g., Figure 5; column 6, lines 40-60).

Regarding claim 5, Zysnarski et al. discloses the brightness of the scale is corona is regulated by light scattering wall thickness in the symbol area (e.g., column 5, lines 1-35).

Regarding claim 6, Zysnarski et al. discloses the brightness of the scale and corona is regulated by an appropriate wall thickness in the symbol area (e.g., column 5, lines 1-35).

Regarding claim 7, Zysnarski et al. discloses the brightness of the scale and corona is regulated by at least one light-diverting bevel on an underside of the optical light guide on a circumferential side (e.g., Figures 1 & 4)

Regarding claim 8, Zysnarski et al. discloses the optical light guide is fixed relative to the control element (e.g., Figure 1).

Regarding claim 9, Zysnarski et al. discloses the optical light guide is adjusted in functional combination with the light rotor (e.g., 14).

Regarding claim 16, Zysnarski et al. discloses a surface of the corona is formed to resemble a surface of the scale such that a user is not able to detect the corona when light is not being emitted by corona (e.g., 14).

Regarding claim 17, Zysnarski et al. discloses the light guide provides light to illuminate the corona (e.g., Figures 4 & 5).

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

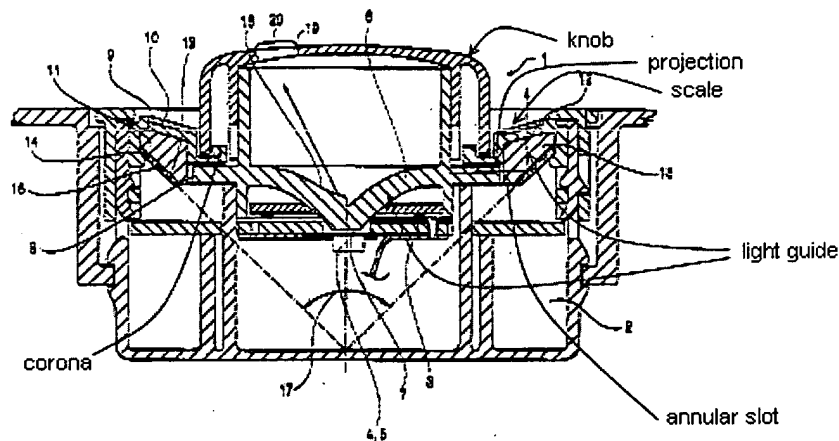
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Note: It has been held that the recitation that an element is "*adapted to*" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

6. Claims **1, 2 and 4-19** are rejected under 35 U.S.C. 102(b) as being anticipated by Glienicke (USPN 6,224,221).

Regarding claim 1, Glienicke discloses a combined scale and corona illumination, wherein the scale is a part of a panel that is designed to work together with the control element, an optical light guide (e.g., 6, 11) that includes two parts (e.g., 6 & 11), which are partially separated by an annular slot (e.g., Figure 1), such that parts of the panel engage (e.g., 9) or project into the slot, a light rotor (e.g., 1) that extends towards the optical light guide (e.g., 6, 11) to a height necessary for light transport, and a light source (e.g., 5) located below the light rotor (e.g., 1).



Glienicke failed to specify that the first and second optical light guide formed forma single piece.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the first and second light-transmitting body to be a single piece. The following modification would have minimized number of working parts within the device. Also, the modification would further improve scale illumination (e.g., scale/corona) by minimizing the light lost, during light-rays transmitting from first to second body. It has been held that forming in one piece an article, which has formerly been formed in two pieces, and put together, involves only routine skill in the art.

Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

Regarding claim 2, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses on the scale around the rotary knob of the control element are symbols.

Regarding claim 4, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses the corona may be illuminated as a luminous ring

around the rotary knob as radios, air conditioning units, and the like in motor vehicles being operated.

Regarding claim 5, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses the brightness of the scale and corona is regulated by light-scattering components (e.g., diffuser) in the optical light guide (e.g., 6, 11).

Regarding claim 6, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses the brightness of the scale and corona is regulated by an appropriate wall thickness in the symbol area (e.g., Figure 1).

Regarding claim 7, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses the brightness of the scale and corona is regulated by at least one light-diverting bevel provided on an underside of the optical light guide on a circumferential side (e.g., Figures 3-4).

Regarding claim 8, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses the optical light guide is fixed relative to the control element (e.g., Figure 1).

Regarding claim 9, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses the optical light guide is adjusted in functional combination with the light rotor (e.g., 1).

Regarding claim 10, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses the optical light guide and the light rotor are formed as a single piece (e.g., Figure 1).

Regarding claim 11, Glienicke a rotary knob (e.g., 1), a corona (e.g., 9) substantially circumscribing the rotary knob (e.g., 1), the corona being adapted to emit light therefrom, a scale (e.g., 10) substantially circumscribing the corona and the rotary knob (e.g., 1), the scale (e.g., 10) being adapted to emit light therefrom, an optical light guide (e.g., 6, 11) having an annular slot (e.g., Figure 1) provided therein, the annular slot being formed to receive a projection extending (e.g., 9) from the scale, the optical light guide (e.g., 6, 11) directing light towards the scale and the corona, and a light rotor (e.g., 1) that directs light from a light (e.g., 5) source towards the optical light guide (e.g., 6, 11).

Glienicke failed to specify that the first and second optical light guide formed forma single piece.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the first and second light-transmitting body to be a single piece. The following modification would have minimized number of working parts within the device. Also, the modification would further improve scale illumination (e.g., scale/corona) by minimizing the light lost, during light-rays transmitting from first to second body. It has been held that forming in one piece an article, which has formerly been formed in two pieces, and put together, involves only routine skill in the art.

Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

Regarding claim 12, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses the scale completely circumscribes the corona and the corona completely circumscribes the rotary knob (e.g., 1).

Regarding claim 13, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses the light rotor directs light towards the optical light guide from an outer perimeter of the light rotor (e.g., 1).

Regarding claim 14, Glienicke discloses the scale includes at least one symbol formed thereon (e.g., column 3, lines 1-14).

Regarding claim 15, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses a surface of the corona is formed to resemble a surface of the rotary knob such that a user is not able to detect the corona when light is not being emitted by the corona (when the light source is turned on/off).

Regarding claim 16, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses a surface of the corona is formed to resemble a surface of the scale such that a user is not able to detect the corona when light is not being emitted by corona (e.g., Abstract; *"as radios, air conditioning units, and the like in motor vehicles being operated"*).

Regarding claim 17, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses the light guide provides light to illuminate the corona (e.g., Figure 1).

Regarding claim 18, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses light from the light source illuminates the scale and the corona via the optical light guide and the light rotor (e.g., 10, 20).

Regarding claim 19, Glienicke discloses the claimed invention, explained above. In addition, Glienicke discloses the optical light guide provides light to both the scale and the corona (e.g., 10, 20).

7. Claims **2, 3 & 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zysnarski et al. (USPN 6,590,174).

Regarding claim 2, Zysnarski et al. discloses the claimed invention except for the details of the control elements being symbols.

However, Zysnarski et al. admits in "*Background*" invention that a knob has a transparent or translucent region that represents a symbol or a graphical form to provide a recognizable indicator of the knob during conditions of low ambient light (e.g., column 1, lines 10-30 & column 4, lines 15-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize symbols or graphical around the knob to provide recognizable indicator for the knob (e.g., Figure 5 & Figure 3; S16) to provide visual effect during low ambient light.

Regarding claim 3, Zysnarski et al. discloses the claimed invention, explained above. In addition, Zysnarski et al. teaches that the symbols are produced by a laser, injection-molding, or film technique (e.g., column 1, lines 10-30).

Regarding claim 10, Zysnarski et al. discloses the optical light guide and the light rotor are formed as two-portions.

Zysnarski et al. failed to disclose the optical light guide and the light rotor is formed as a single piece. However, suggest that the knob and the light diffuser may appear to be one piece to a user (e.g., column 3, lines 50-55).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make both of the light guide (optical light guide & light rotor) into a single piece, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Response to Arguments

8. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

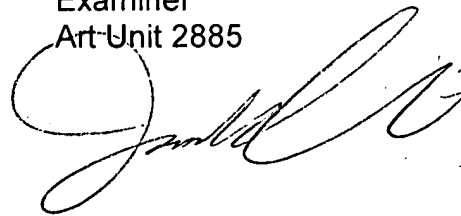
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jacob Y Choi
Examiner
Art Unit 2885

A handwritten signature in black ink, appearing to read 'Jacob Y Choi', written over a circular stamp or seal.

JC